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August 5, 1999

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The Honorable Scott E. Thomas  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

Re: MUR 4736; Conservative Victory  
Committee and Leif E. Noren,  
as Treasurer

Dear Chairman Thomas:

This responds to your letter dated August 3, 1999 in which you informed me that the Federal Election Commission has found reason to believe that Conservative Victory Committee and Leif E. Noren, as treasurer, violated 2 U.S.C. § 434 and § 441f by reason of its contributions to Sam Brownback for U.S. Senate in 1996. It is now clear why the Federal Election Commission is uniformly criticized as inert and inept.

To save you staff time and expense, I call your attention to the fact that on June 2, 1998--over fourteen months ago--the Federal Election Commission made the exact same finding. I almost hesitate to point out that that June 2, 1998 finding was made almost twelve months to the day after we delivered our June 13, 1997 response to the original complaint in this matter. At this rate, I anticipate the next communication we receive will come next year, advising us that the Commission's computers fell prey to the Y2K bug and asking us to reconstruct your file for you.

Your August 3, 1999 letter does reveal that your staff has made some progress over the past two years, although the progress appears to be centered on bureaucratic obscuratation, none of which is substantive. In 1997, this matter was assigned an internal designation of MUR 4634. In 1998, the Factual and Legal Analysis was captioned MURs: 4563, 4633, and 4634. Now the matter is called MUR 4736 and we are told the Commission has decided to investigate MUR 4736 concurrently with its investigation in MURs 4568, 4633, and 4634. While I appreciate that clarification, I do wonder what happened to MUR 4563. Since all

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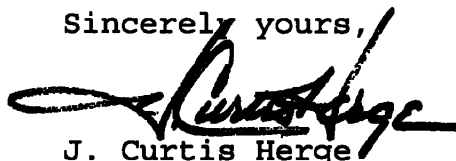
Honorable Scott E. Thomas  
August 5, 1999  
Page 2

the findings were "virtually identical" according to your letter, is it possible the Commission voted to take no further action against our clients in MUR 4563?

The part of this exercise which is most regrettable is that the current Factual and Legal Analysis continues to be grounded on "a number of press accounts concerning the activities of Triad." Our clients, on the other hand, have already submitted over forty-one pages of sworn statements and exhibits, responding to each and every allegation in substantive detail. Our submissions are nevertheless dismissed in the Factual and Legal Analysis as "conclusory denials." Conclusory denials? What nonsense. If someone there had taken the time to read our material, he would not have asserted in the Factual and Legal Analysis that "on July 12, 1996, the Conservative Victory Committee received a \$5,000 check from the Stauffers through Triad." That, sir, is a conclusion which our previous submissions showed to be untrue.

By the way, there is no such word as "conclusory."

Sincerely yours,



J. Curtis Herge

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